

TNRCC

case
files

BAT

BOB NO. 5334
BARGE NO. E112115
CONTAINER BASE
PRODUCT CYCLOHEXANE

BARGE CLEANING REPORT

ETA _____
DATE/TIME APPROVAL 12-17-96-2:3
DATE/TIME STARTED 12-17-96-8:01
DATE/TIME COMPLETED 12-17-96-4:23

CLEANING INSTRUCTION BY: Robert Peters
COMPLETION SCHEDULE BY: _____

AMOUNT STRIPPED 350

OVERTIME AUTHORIZED BY: Robert Peters

BARGE INSPECTED BY: Charles Quinte

BARGE RELEASED TO: BROWN CANAL

DATE/TIME: 3:30 PM

DECKWELL OPENED: YES N/A NO _____

NEW CASSET YES _____ NO _____

BELOW DECK CARGO PIPELINE: BLIND OPEN YES ✓ NO _____

CLOSED BY CASAS NEW CASSET YES _____ NO _____

DECK CHECK VALVE OPENED: YES N/A NO _____

CLOSED BY _____ NEW CASSET YES _____ NO _____

DECK HEADER BLINDS OPEN: Yes

INSPECTED BY Caleb Brett

DECK HEADER DRAIN PLUG OPEN: YES ✓ NO _____

CLOSED BY CASAS NEW CASSET YES _____ NO _____

VAPOR RECOVERY HEADER OPENED: YES ✓ NO _____

CLOSED BY Rivera NEW CASSET YES _____ NO _____

RUST SCALE: YES _____ NO ✓

WASHED OUT _____ BUCKETED OUT _____

NUMBER OF CARGO TANKS: 3

CONDITION OF CARGO VALVES Good

SNOW TANK STRIPPED: YES N/A NO _____

DRIP PANS STRIPPED: YES ✓ NO _____

WEATHER: TEMP 65 RAIN _____ FOG _____ HUMIDITY _____ OVERCAST ✓ CLOUDY ✓ CLEAR _____

PIPELINE WASHED: GR PIPELINE BLOWN Yes INSPECTED BY Caleb Brett

NOV PACE CHECKED: YES ✓ NO _____

STERN RAKE: YES ✓ NO _____

VOIDS: YES ✓ NO _____

SAFETY EQUIPMENT USED: _____

NOTICE

All barges cleaned for BACP will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BACP logistics representative must be contacted.

Inspected 12/17/96

1550

1620

Inspected by Nathan Drayson

NO BARGE RAKE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALED BRETT HAS SIGNED & RELEASED PAPER. CALED BRETT WILL BE GIVEN A COPY OF THIS REPORT.



inchcape Testing Services

Caleb Brett

V I S U A L T A N K I N S P E C T I O N R E P O R T

Vessel : ETT-115
Port/Terminal: HERCULES/FREEPORT
Product/Cargo: CYCLOHEXANE

Your Reference:
Our Reference: FP/96-2672
Date : 12-17-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Tank Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	- - - -	- - - -	- - - -
Third Last Cargo	- - - -	- - - -	- - - -
Visual Cleanliness			
Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Time/Date Inspected	12-17-96 @ 1605	12-17-96 @ 1605	12-17-96 @ 1605

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINES WERE STRIPPED OF CHEMICAL AND BLOWN DRY FOR FORTY MINUTES EACH.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.


Caleb Brett

BASF Corporation

BASF

BASF BARGE SCHEDULE

DATE 16-Dec-96 - 12:16 PM

ETT 110: Empty (CPLX) (33,956 lb. heel on board) at W/F. Brown Canal will take to Hercules to be cleaned and prepared for Cyclohexane Service.

T 112: Empty at Hercules being repaired, surveyed and USCG inspection.

ETT 113: Began loading (Citgo 2) 1100 today at Corpus, via Brown Water IV.

ETT 114: Loaded (Huntsman 1) enroute to Freeport, via Brown Canal. ETA 0600 Tuesday. Spot at dock immediately upon arrival. Barge will need to be gauged and sampled. Will discharge as soon as spotted at dock.

*** Priority 1**

T 115: Empty (Cyclohexane) at W/F. Brown Canal will take to Hercules 0800 Tuesday to be cleaned for Normal Butanol Service.

CCI 75: Empty (Split load Acid/Oleum) at W/F. Hold for Tug Javalina.

SCC 108: Empty (All Acid) at W/F. Hold for Tug Javalina. Barge will be OUT OF SERVICE upon return to Rhone-Poulenc.

C 80: Loaded (All Oleum) at Rhone-Poulenc. Tug Javalina is waiting for weather to calm then will be enroute to Freeport. ETA Approx. 1200 Tuesday. Spot at dock immediately upon arrival. Barge will discharge as soon as spotted at dock. Plant has Critical Low Inventory this barge is to be considered Top Priority upon arrival to Freeport.

***** HOT *****

*** Priority 2**

C 108: Empty (All Acid) at Shipyard for repairs. OUT OF SERVICE.

SCC 104: Loaded (All Acid) at Rhone-Poulenc. Tug Javalina is waiting for weather to calm then will be enroute to Freeport. ETA Approx. 1200 Tuesday. Hold at W/F until further notice.

*** - Priority to dock**

- Priority out to skimmer gate

- All priority barges taken to dock should go to skimmer gate as soon as possible after work is complete.

For any further information please contact:

Robert G. Peters	Office: 238-6161	Home: 798-4162	Pager: (713) 604-2418
Suzette Johnson	Office: 238-8409	Home: 265-5120	Pager: 237-4016

BARGE CLEANING REPORT

JOB NO. 11-3318
 BARGE NO. ETT-110
 COUNTRY BASE
 PRODUCT CYCLOHEXANE

ETA _____
 DATE/TIME ARRIVAL 11-29-96
 DATE/TIME STARTED 11-30-96
 DATE/TIME COMPLETE _____

AMOUNT STRIPPED _____

CLEANING INSTRUCTION BY: Robert Petrus

COMPLETION SCHEDULE BY: _____

OVERTIME AUTHORIZED BY: _____

BARGE INSPECTED BY: Rivera/Pettit

DATE/TIME: _____

BARGE RELEASED TO: _____

DATE/TIME: _____

DEFWELL OPENED: YES NA NO _____ CLOSED BY _____ NEW CASSET YES _____ NO _____

BELOW DECK CARCO PIPELINE: BLIND OPEN YES ✓ NO _____ CLOSED BY Rivera CASSET _____

DECK CHECK VALVE OPENED: YES ✓ NO _____ CLOSED BY _____ NEW CASSET _____

DECK HEADER BLINDS OPEN: yes INSPECTED BY CALIB BRETT yes

DECK HEADER BRAKE PLUG OPEN: YES ✓ NO _____ CLOSED BY Joe

VAPOR RECOVERY HEADER OPENED: YES ✓ NO _____ CLOSED BY Joe NEW CASSET _____

RUST SCALE: YES ✓ NO ✓ WASHED OUT _____ BUCKETED OUT _____

NUMBER OF CARCO TANKS 1

CONDITION OF CARCO VALVES good

SLOP TANK STRIPPED: YES NA NO _____

DRIP PANS STRIPPED: YES ✓ NO _____

WEATHER: TEMP 60° RAIN ✓ FOG ✓ HUMIDITY _____ OVERCAST _____ CLOUDY ✓ CLEAR _____

PIPELINE WASHED: no PIPELINE BLOWN _____ INSPECTED BY CALIB BRETT ✓

BOW RAKE CHECKED: YES ✓ NO _____ STEERN RAKE: YES ✓ NO _____

VOIDS: YES ✓ NO _____ SAFETY EQUIPMENT USED: _____

SOUNDING TESTED yes

NOTICE

All barges cleaned for RACF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, RACF Logistics representative must be contacted.

Inspected 11/30/96

1623

1655

Inspect: By AdDengs

NO BARGE BARGE CLEANING WORK CLEANED WILL BE RELEASED UNTIL CALIB BRETT HAS SIGNED
 THE BARGE OR BARGE. CALIB BRETT WILL BE GIVEN A COPY OF THIS FORM.

BASF WEEKEND "HOLIDAY" BARGE SCHEDULE

DATE 27-Nov-96 - 11:46 AM

ETT 110: Empty (Cyclohexane) at W/F. Hold until further notice.

ETT 112: Discharging (Koch 3) at dock. Take to W/F after discharge is complete on Low tide 1000 Thursday. Brown Water IV will leave Friday to go to Corpus to load (Cligo 5) 11/30/96. Hold at W/F upon return.

Priority 1

ETT 113: Loaded (Chevron 1 @ Phillips) at W/F. Spot at dock after the ETT 112 has completed discharging. Barge will need to be gauged and sampled. Will discharge 0730 Friday. Take to W/F after discharge is complete on Low tide 1200 Saturday. Brown Canal will take to Phillips 1300 Sunday to load (Phillips 1). Spot at dock after loading is complete. Barge will need to be gauged and sampled. Will discharge 0730 Monday.

* Priority 2 / # Priority 4 / * Priority 5

ETT 114: Empty (Phillips 7) at W/F. Brown Canal will take to Corpus to load (Koch 4) Friday 0100. Spot at dock upon arrival to Freeport. Barge will need to be gauged and sampled. Will discharge 0730 Saturday. Barge will be ballasted while being discharged. Take to W/F after discharge is complete. Brown Water IV will take to Hercules 0800 Monday for deballasting.

* Priority 3 / # Priority 5

ETT 115: Empty (NBOL) at W/F. Hold until further notice.

CCI 75: Empty (All Oleum) at W/F. Hold for Tug Javallina. Will load Split load (Acid/Oleum) upon return to Rhone-Poulenc. Hold at W/F upon return to Freeport until further notice.

SCC 106: Loaded (All Acid) enroute to Freeport. ETA 1300. Spot at dock after the SCC 106 has completed discharging. Will discharge 0730 Saturday. Take to W/F after discharge is complete. Hold for Tug Javallina.

* Priority 4 / # Priority 6

SCC 80: Loaded (All Oleum) enroute to Freeport. ETA 1300. Spot at dock after the SCC 106 has completed discharging. Will discharge 0730 Thursday. Take to W/F after discharge is complete. Hold for Tug Javallina.

* Priority 1 / # Priority 3

SCC 108: Discharging (All Acid) at dock. Take to W/F after discharge is complete. Hold for Tug Javallina.

Priority 2

SCC 104: Loading (All Oleum) at Rhone-Poulenc. Spot at dock Sunday after the SCC 106 has completed discharging. Will discharge 0730 Monday.

* Priority 6

* - Priority to dock

- Priority out to skimmer gate

- All priority barges taken to dock should go to skimmer gate as soon as possible after work is complete.

For any further information please contact:

Robert G. Peters Office: 238-6161 Home: 798-4162 Pager: (713) 604-2418

Suzette Johnson Office: 238-8409 Home: 285-5120 Pager: 237-4016

602 Coparr Road, Freeport, Texas 77541 (409) 238 6100



Inchcape Testing Services

Caleb Brett

V I S U A L T A N K I N S P E C T I O N R E P O R T

Vessel : ETT-110
Port/Terminal: Hercules Shipyard / Freeport, Texas
Product/Cargo: Cyclohexane

Your Reference:
Our Reference: FP/96-2557
Date : November 30, 1996

Tank Number	1C	2C	3C
Tank Coating	N/A	N/A	N/A
Last Cargo	Cyclohexane	Cyclohexane	Cyclohexane
Second Last Cargo			
Third Last Cargo			
Visual Cleanliness Accepted *	Accepted	Accepted	Accepted
Visual Cleanliness Rejected *			
Time/Date Inspected	1540 11/30/96	1540 11/30/96	1540 11/30/96

Method said to have been used to clean tanks: Strip and blow: Stripped chemical from cargo tanks and pipe line, blow dry cargo tanks for 30 minutes each, blow dry pipe line for 20 minutes each valve.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.


I T S Caleb Brett

Barge Cleaning Report

JOB NO _____ ETA _____
BARGE NO Ett-110 DATE/TIME ARRIVAL 10-11-96 = 7:45
CUSTOMER BASF DATE/TIME START 10-11-96 = 8:30 AM
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 10-11-96 = 3:30 PM
AMOUNT STRIPPED 300

CLEANING INST. BY Robert Perry COMPLETION SCH. BY _____ OVERTIME AUTH. BY _____

BARGE INSP. BY Dave DATE/TIME 2:30 RELEASED TO _____ DATE/TIME _____

DEEPWELL OPENED: YES N/A NO _____ CLOSED BY _____ NEW GASKET: YES _____ NO _____

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO _____ CLOSED BY CASAS NEW GASKET: YES _____ NO ✓

DECK CHECK VALVE OPENED: YES N/A NO _____ CLOSED BY _____ NEW GASKET: YES _____ NO _____

DECK HEADER BLINDS OPENED: YES ✓ NO _____ INSECTED BY CALEB BRETT _____

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO _____ CLOSED BY CASAS

VAPOR RECOVERY HEADER OPENED: YES ✓ NO _____ CLOSED BY CYUZ NEW GASKET: YES _____ NO ✓

RUST SCALE: YES ✓ NO _____ WASHED OUT _____ BUCKETED OUT _____

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES Good

SLOP TANK STRIPPED: YES N/A NO _____ DRIP PANS STRIPPED: YES ✓ NO _____

WEATHER: T. MP 85 RAIN _____ FOG _____ HUMIDITY _____ OVERCAST _____ CLOUDY _____ CLEAR _____

PIPELINE WASHED: YES _____ NO ✓ PIPELINE BLOWN: YES ✓ NO _____ INSPECTED BY CALEB BRETT _____

BOW RAKE CHECKED: YES ✓ NO _____ STERN RAKE CHECKED: YES ✓ NO _____

VOIDS: YES ✓ NO _____ SAFETY EQUIPMENT USED: _____

SUMPS INSPECTED: ✓

NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 10/11/96

Time in: 1405

Time out: 1435

Inspected By: Arthur D. [Signature]
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



Inchcape Testing Services

Caleb Brett

V I S U A L T A N K I N S P E C T I O N R E P O R T

Vessel : ETT-112
Port/Terminal: HERCULES/FREEPORT, TX
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:
Our Reference: FP/96-2445
Date : 11-14-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1250 / 11-14-96	1250 / 11-14-96	1250 / 11-14-96

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINE WERE STRIPPED, PIPELINE WAS BLOWN FOR TWO HOURS AND CARGO TANKS WERE VENTED FOR FOUR HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.


I T S-Caleb Brett

BARGE CLEANING REPORT

JOB NO. 5303
 BARGE NO. F42112
 CONTRACT BASE
 PRODUCT CYCLOHEXANE

ETA _____
 DATE/TIME ARRIVAL 11-13-96
 DATE/TIME STARTED 11-13-96
 DATE/TIME COMPLETED 11-14-96

AMOUNT STRIPPED 200

CLEANING INSTRUCTION BY: Peters
 COMPLETION SCHEDULE BY: Peters
 OVERTIME AUTHORIZED BY: _____
 BARGE INSPECTED BY: Charles R. Smith DATE/TIME: 11-14-96 11:30 AM
 BARGE RELEASED TO: Brow Canal DATE/TIME: _____
 DECKWELL OPENED: YES N/A NO _____ CLOSED BY _____ NEW CASSET YES _____ NO _____
 BELOW DECK CARGO PIPELINE: BLIND OPEN YES _____ NO ✓ CLOSED BY _____ NEW CASSET YES _____ NO _____
 DECK CHECK VALVE OPENED: YES N/A NO _____ CLOSED BY _____ NEW CASSET YES _____ NO _____
 DECK HEADER BLINDS OPEN: Yes INSPECTED BY CALED BRETT _____
 DECK HEADER BULK PLUG OPEN: YES ✓ NO _____ CLOSED BY CR12
 VAPOR RECOVERY HEADER OPENED: YES ✓ NO _____ CLOSED BY CAS45 NEW CASSET YES _____ NO _____
 RUST SCALE: YES ✓ NO _____ WASHED OUT _____ BUCKETED OUT YES _____ NO _____
 NUMBER OF CARGO TANKS 3
 CONDITION OF CARGO VALVES Good
 SLOP TANK STRIPPED: YES N/A NO _____
 DRIP PANS STRIPPED: YES ✓ NO _____
 WEATHER: TEMP 80 RAIN _____ FOG _____ HUMIDITY _____ OVERCAST _____ CLOUDY ✓ CLEAR ✓
 PIPELINE WASHED: 20 PIPELINE BLOWN Yes INSPECTED BY CALED BRETT _____
 HON PATE CHECKED: YES ✓ NO _____ STERN PATE: YES ✓ NO _____
 VOIDS: YES ✓ NO _____ SAFETY EQUIPMENT USED: _____
 SIGNATURE: _____

NOTICE

All barges cleared for BCF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules fireman in charge to sign. The form will be put in the copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BCF Logistics representative must be contacted.

Inspected 11/14/96

1230

1305

Inspected by A. Deppa

NO BARGE BEING CLEARED WILL BE RELEASED UNLESS CALED BRETT HAS SIGNED
 A BARGE BEING CLEARED WILL BE GIVEN A COPY OF THIS REPORT.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Witness Statement Conclusion

Statement of Juan Rivera

Case Number: _____

OFFICE OF ENFORCEMENT

the meeting. I recall that normal butanol was written on the document but I ^{heard} found cyclohexane on the barge. I recall one time Claudio Duarte told me to tell Caleb Brett the chemical on the barge was normal butanol instead of cyclohexane. I knew the barge really had contained cyclohexane because I had cleaned it. Claudio told me that ^{see} Harry Ballinger told him to say the barge had last contained Normal Butanol instead of cyclohexane. I asked Special Investigator Brian Lynch to write this statement for me but the words and content of this statement are my own.

I have read the foregoing statement and I have been given an opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge.

Date: September 22, 1997

(Signed) Juan Rivera

Brian Lynch
Special Agent, EPA/CID

Witnessed: Andrew Yee

SPECIAL AGENT, U.S. F.B.I.

Page 2 of 2 Pages

CID Form: 05c (11/1/92)

PERSONAL HISTORY SHEET

1. NAME: Rivera, Juan, Luis
(LAST, FIRST, MIDDLE) *on SS card*
2. ALIASES, AKA: Johnny or John
3. HOME ADDRESS:
4. TELEPHONE NUMBER:
5. DATE OF BIRTH: 6. CITIZENSHIP:
7. PLACE OF BIRTH: 8. RACE/SEX:
9. SOCIAL SECURITY NUMBER:
10. DRIVERS LICENSE NUMBER/STATE:
11. HEIGHT/WEIGHT: HAIR COLOR/EYE COLOR:
13. EMPLOYER: Hercules Marine Service
14. BUSINESS ADDRESS: 906 Martin Drive
Freeport TX
15. TELEPHONE NUMBER: (409) 237 6371
16. POSITION: Lead Man - barge cleaning crew
17. LENGTH OF EMPLOYMENT: 18 years
18. POSITION/RESPONSIBILITIES: barge cleaning
19. PROFESSIONAL CERTIFICATION/LICENSES:

OFFICIAL USE ONLY

Environmental Protection Agency
Criminal Investigation Division

NO. _____

BOND \$ _____

THE STATE OF TEXAS V. Error! Reference source not found.

CHARGE: Ct 1-10, Violate Clean Air Act ~~Chapter~~; Crim Exp.

~~JP#~~
(Direct File) (73990339)

WITNESS: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that **Error! Reference source not found.** hereinafter styled Defendant, on or about the day of , 19, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly release and cause to be released Cyclonexane into the air violating the rule regarding the degassing and cleaning of marine vessels Sections 115.541 and 115.542 of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

from Barge No. _____

NO
362 041 (a) (1) (E) 5280

362.089 (v)

Primarily FALSE Records

NO. _____ BOND \$ _____

THE STATE OF TEXAS V. LARRY EUGENE BALLINGER

CHARGE: COUNT 1,2,3,4,5,6,7,8,9,10 & 11 - FRAUD/CLASS A: *CRIM Ego*
CRIMINAL EPISODE - *TERMS* *CRIM Ego* *Violation of*

(Direct File) (26000099) *Health & Safety Code*

WITNESS: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 30TH day of NOVEMBER, 1996, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of DECEMBER, 1996, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 17TH day of DECEMBER, 1976, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 10TH day of JANUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT FIVE

3 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 9TH day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SIX

4 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 18TH day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SEVEN

5 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 22ND day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT EIGHT

6 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 6TH day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 and ET114 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT NINE

7 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 21ST day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

NO. _____

BOND \$ _____

THE STATE OF TEXAS V. LARRY EUGENE BALLINGER

CHARGE: ~~COUNT 1, 2, 3, 4, 5, 6, 7 & 8~~ - TAMPERING WITH A
GOVERNMENTAL RECORD; CRIMINAL EPISODE

(Direct File) (73990376)

WITNESS: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **5TH** day of **MAY, 1997**, and before the presentment of this indictment, in the County and State aforesaid, did then and there, with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT110, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission; *The attached Records*

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **18TH** day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT115, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **22ND** day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **6TH** day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

NO. _____

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **6TH** day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT114, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **21ST** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **23RD** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **27TH** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN & EIGHT above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

FOREPERSON OF THE GRAND JURY

NO. _____

COUNT TEN

9 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **23RD** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT ELEVEN

10 And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **27TH** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE, TEN AND ELEVEN above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State

FOREPERSON OF THE GRAND JURY

§ 382.081 (a)(1)(E)

BRAZORIA COUNTY DISTRICT ATTORNEY
INVESTIGATIVE SUMMARY

At Large ☐ Arrested ☐ Date Arrested: _____ Date Submitted: _____
Submitted by: _____ Agency: _____ Agency File #: _____

DEFENDANT: Larry Eugene Ballinger
Address: _____
Race/Sex: _____ DOB: _____ Age: _____
*DO under Ballinger
other under Hercules M
Services Corp*

CO-DEFENDANTS: _____

Offense Date: _____

Offense Location: _____ Name of Business: _____
Address: _____
Phone No: _____

OFFENSE(S): (1) Cts 111-Violate Clean Air Act Order Class A
(2) On Ego

Pleading Form Code	Uniform Offense Code	Penal Code	Degree
(1)			
(2)			

VICTIM/COMPLAINANT: _____
Address: _____
Phone No: _____

PLEADING FORM INFORMATION:
NO. Count (1) On or about 11-30-96, I intentionally
(1) knowingly released or caused to be
(1) released by dioxane into the air
NO. _____ (1) violating the rules regarding the digging
(1) of dredging of marine vessels Section
(1) 11.541 and 11.542 of the Texas Administrative
Code issued by the Texas Natural Resource
Conservation Commission

SYNOPSIS OF OFFENSE:
2 - 12-10-96
3 - 12-17-97
4 - 1-10-97
5 - 2-9-97
6 - 2-18-97
7 - 2-22-97
8 - 3-16-97
9 - 4-21-97
10 - 4-23-97
11 - 4-27-97

Further Info Requested ☐ Request Date: _____ Date Answered: _____ Pen Pack Ordered: _____

DA Interviewer: _____

**BRAZORIA COUNTY DISTRICT ATTORNEY
INVESTIGATIVE SUMMARY**

At Large ☐ Arrested ☐ Date Arrested: _____

Date Submitted: _____

Submitted by: _____

Agency: _____

Agency File #: _____

DEFENDANT: _____

Address: _____

Race/Sex: _____

DOB: _____

Age: _____

DO I understand
Hercules
T. Under
Balling?

CO-DEFENDANTS: _____

Offense Date: _____

Offense Location: Name of Business: _____

Address: _____

Phone No: _____

OFFENSE(S)

(1) False Representation

(2) _____

Pleading Form Code

Uniform Offense Code

Penal Code

Degree

(1) _____

332.091(A)(3)

A MISC

(2) _____

VICTIM/COMPLAINANT

Address: _____

Phone No: _____

PLEADING FORM INFORMATION:

NO _____

(1) On or about 11-30-96, the <S> did intentionally
(1) and knowingly make a cause to be made
(1) a false material statement representation.

NO _____

(1) Dr. Denton's ma report to DWT: representing
(1) Normal Butend a Barge Cleaning Report for
(1) Barge No. ETT110 required to be maintained
by the Texas Administrative Code Chapter 15.54k
concerning monitoring and recordkeeping requirements.

SYNOPSIS OF OFFENSE

2-12-6-96

Barge No ETT112

3-12-17-96

ETT115

4-1-10-97

ETT112

5-2-9-97

ETT110

6-2-18-97

ETT115

7-2-27-97

ETT113

8-3-6-97

ETT112 + ETT114

3-6-97

ETT114

9-4-21-97

ETT117

10-4-22-97

ETT113

11-4-27-97

ETT112

Further Info Requested ☐

Request Date: _____

Date Answered: _____

Pen Pack Ordered: _____

DA Interviewer: _____

**BRAZORIA COUNTY DISTRICT ATTORNEY
INVESTIGATIVE SUMMARY**

At Large ☐ Arrested ☐ Date Arrested: _____ Date Submitted: _____

Submitted by: _____ Agency: _____ Agency File #: _____

DEFENDANT: Larry Eugene Ballinger

Address: _____

Race/Sex: W/M DOB: 9-30-51 Age: _____

CO-DEFENDANTS: _____

Offense Date: May 5, 1997

Offense Location: Name of Business: _____

Address: _____

Phone No: _____

OFFENSE(S): (1) Tampering with Governmental Record

(2) _____

Pleading Form Code	Uniform Offense Code	Penal Code	Degree
(1)			PS
(2)			

VICTIM/COMPLAINANT: _____

Address: _____

Phone No: _____

PLEADING FORM INFORMATION:

NO. _____ (1) USE
 (2) Record
 (3) Barge Cleaning Report which had
 NO. _____ (1) Normal butanol in place of Cyclohexane
 (1) substituted
 (3) Barge Cleaning Report for Barge No. ETT 110 dated
2-9-97 cleaned on or about 2-9-97 which had
fake entry "Normal butanol substituted in place of Cyclohexane"

SYNOPSIS OF OFFENSE: Refer to Barge No. ETT 110 dated 2-9-97 which had fake entry "Normal butanol substituted in place of Cyclohexane"
Commission

(3)	Barge No. ETT 115	date 2-18-97	2
	ETT 113	date 2-22-97	3
	ETT 112	date 3-6-97	4
	ETT 114	date 3-6-97	5
	ETT 112	date 4-21-97	6
	ETT 113	4-23-97	7
	ETT 112	4-27-97	8

Further Info Requested ☐ Request Date: _____ Date Answered: _____ Pen Pack Ordered: _____

DA Interviewer: _____

NO. _____

BOND \$ _____

THE STATE OF TEXAS V. LARRY EUGENE BALLINGER

CHARGE: COUNT 1,2,3,4,5,6,7,8,9,10 & 11 - FRAUD - CLASS A;
CRIMINAL EPISODE

(Direct File) (26000099)

WITNESS: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 30TH day of **NOVEMBER, 1996**, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 6TH day of **DECEMBER, 1996**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 17TH day of **DECEMBER, 1976**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 10TH day of **JANUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **9TH** day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **18TH** day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **22ND** day of **FEBRUARY, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **6TH** day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 and ET114 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT NINE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **21ST** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

NO. _____

COUNT TEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **23RD** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT ELEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **27TH** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts **ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE, TEN AND ELEVEN** above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

FOREPERSON OF THE GRAND JURY

NO. _____

BOND \$ _____

THE STATE OF TEXAS V. LARRY EUGENE BALLINGER

CHARGE: **COUNT 1, 2, 3, 4, 5, 6, 7 & 8 - TAMPERING WITH A
GOVERNMENTAL RECORD; CRIMINAL EPISODE**

(Direct File) (73990376)

WITNESS: _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 5TH day of MAY, 1997, and before the presentment of this indictment, in the County and State aforesaid, did then and there, with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT110, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT115, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **6TH** day of **MARCH, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT114, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **21ST** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **23RD** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that **LARRY EUGENE BALLINGER** hereinafter styled Defendant, on or about the **27TH** day of **APRIL, 1997**, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN & EIGHT above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

FOREPERSON OF THE GRAND JURY